

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Christopher G. Fournier

v.

Civil No. 08-cv-338-JD

Warden, Northern New Hampshire
Correctional Facility

O R D E R

Christopher Fournier, a state prisoner, seeks habeas corpus relief pursuant to 28 U.S.C. § 2254. After preliminary review, the court found that Fournier's petition raised three cognizable claims. See document no. 8. The Warden requests an extension of time to file a motion for summary judgment. Fournier moves to compel counsel to submit transcripts and to extend time to respond to the Warden's motion for summary judgment.

On February 23, 2009, Fournier filed a motion to expand the record, asking that the court require the Warden to provide the transcripts from a "Status of Counsel" hearing held on July 14, 2006, in Merrimack County superior court. The court granted Fournier's motion on March 16, 2009. By motion dated April 14, 2009, Fournier notes that the transcripts have not been submitted and requests that the court compel the Warden to provide the transcripts.

On April 7, 2009, the Warden filed a motion to extend time to file a summary judgment motion to April 10, 2009. Fournier did not object to the Warden's motion. The Warden filed a summary judgment motion on April 10. Citing his need for the July 14, 2006, transcripts, Fournier requests additional time to respond to the Warden's motion for summary judgment.

The court has already granted Fournier's request to expand the record, requiring the Warden to provide the transcripts from the July 14, 2006, status of counsel hearing. The court orders that the Warden submit these transcripts on or before May 4, 2009. Fournier will have thirty days from the receipt of the transcripts to respond to the Warden's summary judgment motion.

Conclusion

For the foregoing reasons, Fournier's motion (document no. 18) is granted, to the extent that the Warden is ordered to submit the requested transcripts and Fournier will have thirty days to respond to the summary judgment motion, as outlined

above. The Warden's motion to extend time (document no. 16) is granted.

SO ORDERED.



Joseph A. DiClerico, Jr.
United States District Judge

April 21, 2009

cc: Christopher G. Fournier #68441, pro se
Stephen D. Fuller, Esquire
Elizabeth C. Woodcock, Esquire